

**Amendments to the Claims:**  
**Listing of the Claims**

Claims 1-11 (canceled)

12. (amended) A DNA construct ~~comprising a transgene~~ comprising ~~an active portion of the FGF1B promoter~~ nucleotides -507 to + 1 of the human FGF1B promoter, operably linked to a sequence encoding the SV40 large T antigen, wherein nucleotides -507 to +1 of the human FGF1B promoter are the same as nucleotide 43 to nucleotide 550 of SEQ ID NO. 2.
13. (amended) The DNA construct of claim 12 wherein the promoter comprises nucleotides -540 to +31 of the human FGF-1B-promoter, wherein nucleotides -540 to +31 of the human FGF1B promoter are the same as nucleotide 10 to nucleotide 580 of SEQ ID NO. 2.
14. (original) The DNA construct of claim 12 wherein the SV40 large T antigen encoding sequence comprises an intron within said sequence.

Claims 15-36 (canceled)

37. (new) A DNA construct comprising the mouse FGF1B promoter operably linked to a sequence encoding the SV40 large T antigen, wherein the sequence of the mouse FGF1B promoter is set forth in GenBank Accession No. U67609.